

MAY, 6, 2002 10:34AM

NO. 7142 P. 5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: P. Schultz et al. Attorney Docket No. CHIR116472  
 Application No.: 09/707,548 Group Art Unit: 1624  
 Filed: November 6, 2000 Examiner: M. Berch  
 Title: INHIBITORS OF GLYCOGEN SYNTHASE 3 KINASE

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

TO THE COMMISSIONER FOR PATENTS:

Your petitioners, Chiron Corporation, residing at 4560 Horton Street, Emeryville, California 94608 and the University of California having a place of business at the Office of Technology Transfer, 2150 Shattuck Avenue, Suite 510, #1620, Berkeley, California 94720-1620, represent that they are the owners of the entire right, title and interest in the above application by assignments from the inventors of the patent application identified above. The assignments were recorded in the U.S. Patent and Trademark Office at Reel 9112, Frame 0340, and Reel 9145, Frame 0199, copies of which are attached.

The undersigned have reviewed all the documents in the chain of title of the patent application identified above and, to the best of our knowledge and belief, title is in the assignees identified above.

Your petitioner hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,153,618, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to prior U.S. Patent No. 6,153,618, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

Petitioners do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,153,618 in the event that said prior U.S. Patent No. 6,153,618 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

The terminal disclaimer fee under 37 C.F.R. § 1.20 is included.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## CHIRON CORPORATION

Date: May 4, 2002  
Name: David P. Lentini  
Title: Corporate Patent Counsel

## UNIVERSITY OF CALIFORNIA

Date: May \_\_, 2002

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